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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **DANIEL ALLEN ACEVEDO**  
14 **609 N. Jansen Avenue**  
**San Dimas, CA 91773**

15 **Registered Nurse License No. 576072**

16 **Public Health Nurse Advanced Certification**  
17 **No. 71751**

18 Respondent.

Case No. 2010-162

**A C C U S A T I O N**

19 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Interim  
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
23 Affairs.

24 **License History**

25 **Registered Nurse License No. 576072**

26 2. On or about January 16, 2001, the Board issued Registered Nurse License  
27 Number 576072 ("license") to Daniel Allen Acevedo ("Respondent"). The license was in full  
28

1 force and effect at all times relevant to the charges brought herein. The license will expire on  
2 July 31, 2010, unless renewed.

3 **Public Health Nurse Advanced Certification Number 71751**

4 3. On or about May 23, 2007, the Board issued Public Health Nurse Advanced  
5 Certification Number 71751 to Respondent. The certification was in full force and effect at all  
6 times relevant to the charges brought herein. The certification will expire on July 31, 2010,  
7 unless renewed. Under Code section 2811, subdivision (B), the Board may renew an expired  
8 license at any time within eight years after the expiration.

9 **JURISDICTION**

10 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
12 to render a decision imposing discipline on the license.

13 5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,  
14 or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
15 disciplinary action during the period within which the license may be renewed, restored, reissued  
16 or reinstated.

17 **STATUTORY PROVISIONS**

18 6. Code section 2761 states, in pertinent part:

19 The board may take disciplinary action against a certified or  
20 licensed nurse or deny an application for a certificate or license for any of  
the following:

21 (f) Conviction of a felony or of any offense substantially related  
22 to the qualifications, functions, and duties of a registered nurse, in which  
event the record of the conviction shall be conclusive evidence thereof.

23 **COST RECOVERY**

24 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 8. Respondent has subjected his license to disciplinary action under Code section 2761,  
4 subdivision (f), in that on or about May 16, 2008, in the Superior Court of California, County of  
5 Los Angeles, in the case entitled, *People of the State of California v. Daniel Allen Acevedo*  
6 (Super. Ct. Los Angeles County, 2008, Case No. 8JB04104), Respondent was convicted on his  
7 plea of nolo contendere of violating Penal Code section 459 (Second Degree Commercial  
8 Burglary), a misdemeanor. Respondent was sentenced to summary probation for three years, and  
9 served three days in the Los Angeles County Jail. The circumstances of the crime are that, on  
10 May 14, 2008, Respondent did unlawfully take money and personal property of a value exceeding  
11 \$400.00, to wit: computer equipment and tape, the property of Fry's Electronics.

12 **OTHER MATTERS**

13 a. On or about September 8, 1992, in the Municipal Court of California, County of Los  
14 Angeles, in the case entitled, *People of the State of California v. Daniel Allen Acevedo* (Muni. Ct.  
15 Los Angeles County, 1992, Case No. 92M03450), Respondent was convicted on his plea of nolo  
16 contendere of violating Penal Code section 475, subdivision (a) (Possess Bad Check/Money  
17 Order), a misdemeanor. Respondent was sentenced to summary probation for two years. The  
18 circumstances of this crime were that on or about August 24, 1992, Respondent was arrested for  
19 possessing a bad check or money order and for possessing, manufacturing or selling a dangerous  
20 weapon.

21 b. On or about March 17, 1995, in the Municipal Court of California, County of Los  
22 Angeles, in the case entitled, *People of the State of California v. Daniel Allen Acevedo* (Muni. Ct.  
23 Los Angeles County, 1995, Case No. 95M90628), Respondent was convicted on his plea of nolo  
24 contendere of violating Vehicle Code section 23152, subdivision (b) (Driving a Vehicle While  
25 Having a .08% or More Blood Alcohol Content), a misdemeanor. The circumstances of the crime  
26 are that on or about February 11, 1995, Respondent was driving a vehicle while under the  
27 influence of .08% or more blood alcohol content. Respondent was sentenced to summary  
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1 probation for three years, served one day in Los Angeles County Jail, was ordered to enroll in an  
2 AB-541 program, and to pay fines, penalties and fees of approximately \$1,055.00.  
3 On or about September 20, 1995, a bench warrant in the amount of \$8,000.00 was issued for  
4 Respondent and his probation was revoked because he failed to pay the fines or appear in court.  
5 On September 29, 1995, the bench warrant was recalled because defendant made a fine payment  
6 and appeared in court. On or about December 8, 1995, a bench warrant in the amount of  
7 \$10,000.00 was issued for Respondent and, on or about December 11, 1995, Respondent's  
8 probation was revoked. On or about May 10, 1996, Respondent appeared in court and the court  
9 ordered that his probation continue until November 5, 1998, and that he either pay an additional  
10 fine or perform 111 hours of community service. On or about July 8, 1996, a bench warrant was  
11 issued in the amount of \$15,000.00 for Respondent because he failed to appear or submit proof of  
12 community service. On or about September 23, 1997, Respondent was remanded to custody and  
13 his bail was set at \$15,000.00. On or about October 1, 1997, Respondent appeared for a  
14 probation violation hearing and the court reinstated the order for him to enroll in AB 541.

15 c. On or about September 23, 1997, in the Municipal Court of California, County of Los  
16 Angeles, in the case entitled, *People of the State of California v. Daniel Allen Acevedo* (Muni. Ct.  
17 Los Angeles County, 1997, Case No. 6PA02205), the complaint was amended to add a violation  
18 of Penal Code 415, and Respondent was convicted on his plea of nolo contendere of violating  
19 Penal Code section 415 (Disturbing the Peace), a misdemeanor. Respondent was sentenced to  
20 summary probation for two years, was ordered to serve 12 days in Los Angeles County Jail, less  
21 12 days credit, and was ordered not to harass, molest or annoy victim I.R. The circumstances of  
22 the crime are that on or about May 10, 1996, Respondent was arrested and charged with  
23 vandalism.

#### 24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Registered Nursing issue a decision:

- 27 1. Revoking or suspending Registered Nurse License Number 576072, issued to  
28 Daniel Allen Acevedo;

1           2.     Revoking or suspending Public Health Nurse Advanced Certification Number 71751  
2 issued to Daniel Allen Acevedo;

3           3.     Ordering Daniel Allen Acevedo to pay the Board the reasonable costs of the  
4 investigation and enforcement of this case, pursuant to Code section 125.3; and,

5           4.     Taking such other and further action as deemed necessary and proper.

6  
7 DATED: \_\_\_\_\_

9/15/09

*Louise R. Bailey*  
Louise R. Bailey, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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